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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,087	02/11/2004	Vikas Gupta	62012B (1062-010C1)	2351

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EXAMINER
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BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/776,087		GUPTA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Greg Blankenship		3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 84-86,88-93 and 95-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84-86,88-93 and 95-106 is/are rejected.
- 7) ☒ Claim(s) 107 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/11/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 104 is objected to because of the following informalities:

Claim 104, line 1, “(previously presente )d n assembly” should be –(previously presented):

An assembly-- .

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 101-103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 101 is not clearly understood because it is unclear how many openings are required for the reasons stated in the previous office action. The examiner stated that the claim was read as allowing the circular opening and/or one of the plural rectangular openings to be the “at least one opening for receiving an instrument or a gauge”. This requires at least three openings. However, the applicant believes the invention requires at least four openings. Since the claims can be read in manner that are not consistent with the applicant’s intent, the claims still fail to particularly point out and distinctly claim the applicant’s invention. The claims have been examined on both readings. The claims must be amended to overcome the rejection.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 84-86, 88, 89, 91-95, 97-100, 104, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Kelman et al. (5,364,159).

Delmastro discloses an instrument panel assembly having a first molded plastic panel (12) formed of a first material joined to a second molded plastic panel (14) formed of a second, different material. The panels (12,14) extend across the vehicle. Tongue and groove mechanical interlocks can be used to connect the panels (12,14) to make the ducts substantially air-tight for HVAC ducts, as disclosed on lines 10-14 of column 6. This inherently requires at least one tongue and groove interlock on the top of panel (14) and bottom of panel (12) located at three separate locations. These locations are to the left of duct (30), between ducts (30,32), and to the right of duct (32), as seen in Figure 2. The interlock between ducts (30,32) is being applied to the claims as the at least one "mechanical joint". The interlocks must extend a length of the panels to provide the substantially air-tight feature. In reference to claim 91, the first material may include PC/ABS, as disclosed on lines 44-45 of column 2. The second material may include a polyolefin material and polypropylene, in reference to claim 91, as disclosed on lines 56 and 46 of column 2; respectively. The panels (12,14) define air ducts (30,32) for a vehicle cabin heating and cooling system. The first panel is joined to the second panel with one or more mechanical

joints that are mechanical interlocks, in reference to claims 85 and 91, as disclosed on lines 4-14 of column 6. In reference to claims 86 and 93, at least one of the panels provides a vent that is configured to open into a passenger compartment of the vehicle, as disclosed on lines 18-20 of column 5. In reference to claims 87 and 94, Figure 2 shows the lower panel (14) with flanges (38) on its topside that connect to the lower side of the upper panel (12), as disclosed on lines 54-60 of column 5. The flanges extend along sides of the panel (14). In reference to claims 88 and 95, the first material is from a different plastic family than the second material. In reference to claims 89, 97, and 100, the first and second panels (12,14) are joined to a show surface (20) that is exposed to view in an automotive vehicle, as seen in Figure 2. In reference to claims 91, 98 and 99, an opening (16) for an air bag module is formed in panel (12). This opening meets the limitation of an opening for receiving an instrument and/or a gauge because these are just the intended use of the opening. In reference to claim 92, the mechanical interlocks include a tongue and groove mechanical interlock, as disclosed on lines 4-14 of column 6, which meet the limitations for the protrusion received in a channel. However, the flanges as claimed are not disclosed. Kelman et al teach tongue and groove fasteners that are formed by flanges (328) on a side of panel (320) that faces the panel (314) to which it is connected. The flanges (328) are received in grooves (324) that are formed by two flanges that are somewhat parallel to flange (328).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form each tongue and groove mechanical interlock of Delmastro as a single flange on the first panel and a pair of spaced apart flanges on the second panel that are somewhat parallel to the flange on the first panel to securely connect the first and second panels, as

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taught by Kelman et al., in a substantially air-tight manner resulting in first flanges forming the mechanical interlock to the left of duct (30) such that the flanges extend along a length and a side of each panel and second flanges to the right of duct (32) such that the flanges extend along a length and a side of each panel.

6. Claims 90 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Delmastro (6,354,623) and Kelman et al. (5,364,159), in view of Brannon (5,443,775).

Delmastro, as modified, does not disclose the show surface being a molded-in-color thermoplastic polyolefin.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the show surface of Delmastro, as modified, of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly.

7. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Speelman et al. (US 2002/0153741).

Based on the examiner's reading of claim 101, Delmastro discloses a rectangular opening (16) in the first panel and another opening in first panel (12) for receiving the fastener shown in Figure 4. However, Delmastro does not disclose the claimed materials, a circular opening, or more than one rectangular opening.

Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

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Speelman et al. teaches forming a circular openings (52) for receiving fasteners.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight,

form the fastener receiving hole of Delmastro with a circular shape, as taught by Speelman et al., to properly fit the fastener; and

form another rectangular opening in first panel of Delmastro to provide more space for accommodating mechanisms like instruments and gauges.

8. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Speelman et al. (US 2002/0153741).

Based on the applicant's reading of claim 101, Delmastro discloses a rectangular opening (16) in the first panel for receiving an instrument and another opening in first panel (12) for receiving the fastener shown in Figure 4. A plurality of elongated openings are provided on the second panel (14) along the hinge line (24), as shown in Figure 1 and disclosed on lines 6-10 of column 4. However, Delmastro does not disclose the claimed materials, a circular opening, or more than one rectangular opening.

Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

Speelman et al. teaches forming a circular openings (52) for receiving fasteners.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight,

form the fastener receiving hole of Delmastro with a circular shape, as taught by Speelman et al., to properly fit the fastener; and

form the plurality of elongated slots in second panel of Delmastro with a rectangular shape to accommodate the shape of the hinge/tethers that extend through the openings.

9. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 102 in paragraph 6, in view of Brannon (5,443,775).

Delmastro, as modified in paragraph 6, does not disclose the show surface being a molded-in-color thermoplastic polyolefin or the plural rectangular openings that are separate from the at least one opening for receiving an instrument or gauge.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the show surface of Delmastro, as modified, of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly; and



form the plurality of elongated slots in second panel of Delmastro with a rectangular shape to accommodate the shape of the hinge/tethers that extend through the openings.

This rejection applies to both readings of claim 101.

10. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Delmastro (6,354,623) and Kelman et al. (5,364,159), as applied to claim 84.

Delmastro, as modified, does not disclose the one of the first and second materials consisting essentially of polypropylene and the other of the first and second materials consisting essentially of pc/abs.

Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight.

***Allowable Subject Matter***

11. Claim 107 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

12. Applicant's arguments filed 3/6/2007 have been fully considered but they are not persuasive. The applicant has argued the 35 USC 112, 2<sup>nd</sup> rejection of claim 101 stating the claims require at least four openings. The examiner disagrees because the claim does not state the "opening for receiving an instrument or gauge" has a shape that is non-circular and non-rectangular. The claim, as written, does not exclude the circular opening and/or any of the plurality of rectangular openings from being "for receiving an instrument or gauge". This is why the examiner believes the claim can be read to only require three openings.

13. The applicant has argued the rejection of claims 84-86, 88, 89, 91-95, 97-100, 104, and 105 as unpatentable over the combination of Delmastro in view of Kelman et al. by stating that there is no suggestion in the prior art to show why a skilled artisan would be motivated to use the attachments of Kelman et al. to connect panels that are formed of different materials. Kelman et al. teaches a form of mechanical fastener, a tongue and groove connection, that can be used to connected two plastic panels that form an instrument panel. This mechanical connection will work regardless of the composition of the plastic materials that form the two plastic panels of the instrument panel. Delmastro has disclosed the claimed materials so Kelman et al. does not need to teach the first and second panels formed of different plastics.

14. The applicant has argued that the preferred method of attachment of the first and second panels of Delmastro is vibration or ultrasonic welding as opposed to the flange configuration of Kelman et al. Further, without a suggestion to combine the two, there is no particular motivation to combine the two. The examiner has stated that Delmastro discloses connecting the first and second panels by tongue and groove connection on lines 10-14 of column 6. This is the suggestion to

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combine. Kelman et al. teaches a specific structure for a tongue and groove connection for connecting two panels of an instrument panel.

15. The applicant has argued the rejection of claim 91 stating that Delmastro does not specifically contemplate PC/ABS material or polypropylene as options when forming the panels of different panels. The applicant also argues that one skilled in the art would not pick PC/ABS and polypropylene as the materials because welding the materials would be very difficult. The examiner disagrees because the discussion of different materials in Delmastro describes materials in broad terms that by definition include the PC/ABS and polypropylene that are disclosed in lines 44-45 of column 2. The argument with regard to difficulty welding is not accurate because Delmastro discloses on lines 4-15 alternate embodiments that use means other than welding to connect the panels. The rejection is based on one of the alternate means, a tongue and groove connection.

16. The applicant has argued that rejections based on Brannon because there is no indication in the prior art or the knowledge of the skilled artisan that the process of Brannon is suitable for use in an instrument panel much less the instrument panel of Delmastro. Further, the process of Brannon is directed to processing a thermosetting plastic. The examiner disagrees since Brannon discloses the process is suitable for instrument panels on lines 55-60 of column 16. The process is disclosed for a thermosetting/thermoplastic material, see claim 1. The thermoplastic materials include polyolefin, as disclosed in lines 45-55 of column 3.

17. The applicant has argued the motivation used to reject claim 101. The motivation is the automotive industry's years of work and research trying to provide components that provide the desired strength with a minimum weight. The minimum weight is desired to reduce the total weight of the vehicle to improve the vehicle's acceleration, braking, handling, and fuel economy.

*Conclusion*


18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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4/16/07